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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 * * *

6 ANGEL VILLAFANA,

7 Plaintiff,

8 v.

9 DIVISION CHILD FAMILY SERVICES,

10 Defendant.
11

Case No. 2:19-cv-01117-GMN-DJA

ORDER

12 This matter is before the Court on Plaintiff's failure to submit a completed application
13 pursuant to 28 U.S.C. § 1915(a) and Local Rules ("LSR") 1-1 and 1-2. On October 21, 2019 the
14 Court noted that plaintiff must complete an application to proceed *in forma pauperis* and attach
15 both an inmate account statement for the past six months and a signed financial certificate. (ECF
16 No. 10). Plaintiff's application to proceed *in forma pauperis* did not include an inmate account
17 statement nor a properly executed financial certificate. (ECF No. 1). Further, Plaintiff filed a
18 Notice acknowledging the missing account statement and financial certificate and stating that
19 there will be a delay in obtaining the necessary information. (ECF No. 3). Accordingly, the
20 Court ordered Plaintiff to submit the missing documents within 30 days from its July 19, 2019
21 Order, or in the alternative, pay the full filing fee for this action. (ECF No. 4). Plaintiff failed to
22 comply with that Order so the Court granted Plaintiff an extension until November 18, 2019 to
23 submit a completed application or pay the filing fee. (ECF No. 10). To date, no completed
24 application or filing fee has been received. The Court stated, "Failure to comply with this Order
25 will result in a recommendation to the District Judge that this action be dismissed." (*Id.* at 2).

26 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without
27 prejudice.
28

NOTICE

Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED: December 10, 2019.



DANIEL J. ALBRECHTS
UNITED STATES MAGISTRATE JUDGE